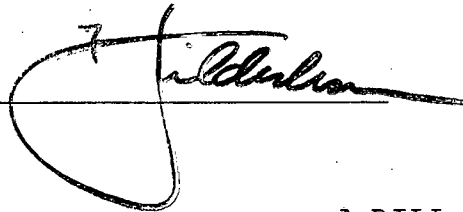


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 09 2007

By:



H.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

relating to transmittal to the Texas Water Development Board and a
local groundwater conservation district of certain information by a
person applying to subdivide a tract of land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.0101, Local Government Code, is
amended by amending Subsection (b) and adding Subsection (c) to
read as follows:

(b) The Texas [~~Natural Resource Conservation~~] Commission on
Environmental Quality by rule shall establish the appropriate form
and content of a certification to be attached to a plat application
under this section.

(c) The Texas Commission on Environmental Quality, in
consultation with the Texas Water Development Board, by rule shall
require a person who submits a plat under Subsection (a) to transmit
to the Texas Water Development Board and any groundwater
conservation district that includes in the district's boundaries
any part of the subdivision information that would be useful in:

- (1) performing groundwater conservation district
activities;
- (2) conducting regional water planning;
- (3) maintaining the state's groundwater database; or
- (4) conducting studies for the state related to
groundwater.

1 SECTION 2. Section 232.0032, Local Government Code, is
2 amended by amending Subsection (b) and adding Subsection (c) to
3 read as follows:

4 (b) The Texas [~~Natural Resource Conservation~~] Commission on
5 Environmental Quality by rule shall establish the appropriate form
6 and content of a certification to be attached to a plat application
7 under this section.

8 (c) The Texas Commission on Environmental Quality, in
9 consultation with the Texas Water Development Board, by rule shall
10 require a person who submits a plat under Subsection (a) to transmit
11 to the Texas Water Development Board and any groundwater
12 conservation district that includes in the district's boundaries
13 any part of the subdivision information that would be useful in:

14 (1) performing groundwater conservation district
15 activities;

16 (2) conducting regional water planning;

17 (3) maintaining the state's groundwater database; or

18 (4) conducting studies for the state related to
19 groundwater.

20 SECTION 3. Not later than September 1, 2008, the Texas
21 Commission on Environmental Quality shall adopt the rules required
22 by Sections 212.0101(c) and 232.0032(c), Local Government Code, as
23 added by this Act.

24 SECTION 4. This Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

07 APR 11 AM 2:08

HOUSE OF REPRESENTATIVES

1st Printing

By: Hilderbran

H.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a plat application under this section.

(c) The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:

(1) performing groundwater conservation district activities;

(2) conducting regional water planning;

(3) maintaining the state's groundwater database; or

(4) conducting studies for the state related to groundwater.

SECTION 2. Section 232.0032, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a plat application under this section.

(c) The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:

(1) performing groundwater conservation district activities;

(2) conducting regional water planning;

(3) maintaining the state's groundwater database; or

(4) conducting studies for the state related to groundwater.

SECTION 3. Not later than September 1, 2008, the Texas Commission on Environmental Quality shall adopt the rules required by Sections 212.0101(c) and 232.0032(c), Local Government Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

3/28/07
(date)

Sir:

We, your **COMMITTEE ON NATURAL RESOURCES**
to whom was referred HB 1313 have had the same under consideration and beg to report
back with the recommendation that it

☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Hamilton, Vice-chair	X			
Gattis, CBO	X			
Creighton	X			
Gallego	X			
Guillen				X
Hilderbran	X			
Laubenberg				X
O'Day				X

Total

6 aye
0 nay
0 present, not voting
3 absent

A. H. Mat
CHAIR

BILL ANALYSIS

H.B. 1313
By: Hilderbran
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1999 the 76th Legislature passed Senate Bill 1323, authored by Senator Jeff Wentworth and Representative Harvey Hilderbran, which allows a municipal authority or county to require a developer to submit evidence that, if they plan to use groundwater, there will be enough groundwater to supply the development. This law is codified in Sections 212.0101 and 232.0032 of the Local Government Code. The Texas Commission on Environmental Quality subsequently passed rules related to Senate Bill 1323 in Title 30, Chapter 230 of the Texas Administrative Code.

Current law only requires developers to submit evidence to a municipal authority and county (where required) that there will be enough groundwater to supply the development on a form prescribed by the Texas Commission on Environmental Quality. The evidence includes aquifer tests—tests performed by geoscientists or engineers to determine how readily the aquifer transmits water. These tests, often costing thousands of dollars to perform and analyze, are valuable for better understanding the groundwater resources of the state and improving groundwater availability models. At this time, the Texas Water Development Board and groundwater conservation districts do not receive this data.

The following counties require groundwater availability certification for platting: Bandera, Bastrop, Bell, Blanco, Brazos, Comal, El Paso, Gillespie, Guadalupe, Kendall, Lampasas, Medina, and Travis. Several other counties are considering requiring these certifications. There is no data available on which cities require groundwater availability certification.

This bill would add the Texas Water Development Board and any relevant groundwater conservation district to the list of entities who receive groundwater data from a subdivision developer, if the municipality or county requires the data to be submitted with a plat application. Groundwater conservation districts and regional water planners would have additional data to conduct their work. Also, the state would have more information to maintain its groundwater database and for conducting groundwater studies.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 and in SECTION 2 of this bill.

ANALYSIS

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c), as follows:

- (b) Substitutes the Texas Commission on Environmental Quality for the Texas Natural Resource Conservation Commission.
- (c) Requires the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule to require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:
 - (1) performing groundwater conservation district activities;
 - (2) conducting regional water planning;
 - (3) maintaining the state's groundwater database; or

- (4) conducting studies for the state related to groundwater.

SECTION 2. Section 232.0032, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c), as follows:

- (b) Substitutes the Texas Commission on Environmental Quality for the Texas Natural Resource Conservation Commission.
- (c) Requires the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule to require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:
 - (1) performing groundwater conservation district activities;
 - (2) conducting regional water planning;
 - (3) maintaining the state's groundwater database; or
 - (4) conducting studies for the state related to groundwater.

SECTION 3. Requires the Texas Commission on Environmental Quality to adopt rules required by Sections 212.0101(c) and 232.0032(c), Local Government Code, as added by this Act, not later than September 1, 2008.

EFFECTIVE DATE

September 1, 2007.

SUMMARY OF COMMITTEE ACTION

HB 1313

March 21, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 28, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Reported favorably without amendment(s)

3
✓

WITNESS LIST

HB 1313
HOUSE COMMITTEE REPORT
Natural Resources Committee

March 21, 2007 - 2:00 PM or upon final adjourn./recess

On: Mace, Dr. Robert (Texas Water Development Board)

Registering, but not testifying:

For: Mahoney, Mike (Evergreen Underground Water Conservation Dist.)
Williams, CE (Panhandle Groundwater District)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 20, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1313 by Hilderbran (Relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would require the Commission on Environmental Quality, in consultation with the Water Development Board (WDB), to adopt rules requiring a subdivision developer to provide groundwater availability data to the WDB and any groundwater conservation district within the groundwater conservation district's boundaries.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, TL

H.B. No. 1313

A BILL TO BE ENTITLED
AN ACT

By 

relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.

FEB 09 2007

Filed with the Chief Clerk

FEB 14 2007

Read first time and referred to Committee on Natural Resources

MAR 28 2007

Reported favorably (~~amended~~)
(~~substituted~~)

APR 11 2007

Sent to Committee on (Calendars)
(~~Local & Conservation Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 APR 11 AM 2:08

HOUSE OF REPRESENTATIVES